IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4596 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TARAL SOMABHAI VIRABHAI - Petitioner(s)
Versus
NANJIBHAI JIVABHAI DAMA & 2 - Respondent(s)

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Appearance :
None for Petitioner(s) : 1,
None for Respondent(s) : 1,
MR UR BHATT, AGP for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

and

HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/06/2006

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

By this writ application under Article 226 of

the Constitution of India, the petitioners who were defeated in Panchayat elections have challenged the vires, constitutional validity and legality of the Gujarat Provisions for Disqualification of members of Local Authorities for Defection Act, 1986, raising various grounds. It appears that Taluka Panchayat elections were held in January, 1987 for a period of five years only. Said period had expired in the year 1992 and since thereafter, at least two more elections have taken place. Under the circumstances, no useful purpose would be served by entering into any controversy. The petition is dismissed as infructuous. Rule is discharged with no order as to costs. Interim relief, if any, stands vacated.

[R.S. GARG, J.]

[M.R. SHAH, J.]

pirzada/-